

8 October 1951

MEMORANDUM FOR THE RECORD

SUBJECT: Personal Property Claims

1. Prior to drafting a CIA claims regulation, I discussed the operation of the Army's claims procedure with Major Philip M. Wilson, Administrative Branch, Claims Division, Office of the Judge Advocate General. He is in Room 3B319, Pentagon, and at Extension 52125. In response to my questions, he made the following observations:

a. The question of "reasonableness" of amount of property is determined by examining all of the facts in each case. There are numerous problems in this connection, and no general answer can be given as to what is "reasonable" in all cases.

b. No advice is given to personnel going overseas as to the amount or type of property which should be taken.

c. Army does not insist upon insurance for goods taken overseas.

d. If a man loses \$500 watch, Army doesn't say he had no right to have it. They merely say: "We can get you a reasonable substitute for \$35.00." Then the man is paid \$35.00.

e. If one officer has twenty sets of khaki at a post, and another officer has ten sets, they make an independent judgment that fifteen sets were reasonable at that post. Consequently, a claim for loss of twenty sets is not paid in full.

f. If a man has ten suits, costing \$200 each, Army will say: "We can get you a reasonable substitute for \$100." Then the problem of whether ten was a reasonable number is considered.

g. Navy is arbitrary in deciding claims; Army is not.

h. Big trouble is training civilians at Fort Holabird, Md., to be elastic. If one officer gets reimbursed for ten khakis in one case, they want every case to be ten.

i. Men sent to Korea before conflict can reasonably be expected to possess more things than those sent now.

Original held in room 349

(1) At one time, they would be reimbursed for loss of cameras, even after the war started.

(2) Now, no one can be reimbursed for loss of a camera.

j. One man burned car (to keep it from Reds) in Korea and then took plane out. He was reimbursed for loss of the automobile.

k. Insurance is hard to get for some people.

l. Regulations were amended by AR 25-100 so that reimbursement is now permitted when natives steal your property, etc. This change was made because so often United States personnel have so much property that natives don't have that they are a real target.

m. Appeal is by letter asking that case be reconsidered, and offering new evidence, etc.

n. Statute of limitations. Judge Advocate General has ruled that it is not "good cause" shown if claim was not filed simply because claimant didn't know he could file.

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OOC/JJB:mr